



December 14, 2018

Kevin Graulich
Senior Safety Engineer
DOSH Research & Standard Health Unit
4905-2424 Arden Way
Sacramento, CA 95825

RE: Workplace Violence Prevention Standard-General Industry

Dear Mr. Graulich,

The California State Council of the Service Employees International (SEIU California) appreciates the opportunity to comment on the draft revisions on the workplace violence prevention (WVP) standard for general industry.

We appreciate the amount of work that goes into developing a comprehensive standard by stakeholders and agencies involved. We'd also like to express our appreciation for your consideration and inclusion of many of our concerns and comments that will provide further protections to workers in California from violence in their work places.

SEIU California supports adopting regulations governing WVP standards. However, after reviewing the latest proposed regulation we have identified several outstanding issues, outlined below, that need to be addressed to better protect workers from the real threat of workplace violence. We would also like to express our support of the comments submitted by Worksafe.

(a) Scope and Application

- Need to add: The employer shall provide all safeguards required by this section, including provision of training, medical or other follow up services; other protections that could include the hierarchy of controls such as engineering, administrative controls. That are provided at no cost to the employee, at a reasonable time and place for the employee, and during the employee's paid time. **This is not a new concept or new regulatory language and needs to be**

made clear so that employers recognize their responsibility to protect their employees.

(b) Definitions

- Currently, there is no coding within DOSH or WCIS for workplace violence. Users must rely keywords such as “hit” or “kick”, etc. This must be addressed, in future, to track data and incidents of violence or threats of violence so workplace violence can be prevented in the future.
- Injury definition appears to only cover injuries that are greater than first aid. While language throughout the most recent draft includes provisions that includes any types of violence whether it results in injury or not and should also cover threats that would cause one to be afraid for safety. By limiting the definition of injury, it limits the scope throughout the proposed regulation. Incidents of violence may not result in any injury or simply result in contusions or abrasions that require first aid. These incidents need to be covered as violence often escalates and can indicate a need to revise the prevention plan or training. **We would suggest simply deleting the definition of injury.**
- The current draft’s definition of “workplace violence” is too narrow. The definition should unambiguously cover all incidents within the scope of work. We want to ensure workers without a fixed “work site” or who are away from their work site as part of their job (at a hotel or in employer provided transportation/lodging, for example) are covered. We also want to ensure workers who work from home and offsite are covered. The definition should include conduct that are predictors of sexual violence. Stalking has been identified as the most prevalent form of abuse at work. Other jurisdictions have used language to ensure there is no ambiguity about the inclusion of stalking in the definition of workplace violence, and we urge you to adopt comparable language.

(c) Plan

- (2) Need to add language that states the plan is in effect at all times.
- Need to add to (6): Effective procedures for obtaining assistance from the appropriate law enforcement agency during all work shifts. The procedure may establish a central coordination procedure. This shall also include a policy statement prohibiting the employer from disallowing an employee from, or taking punitive or retaliatory action against an employee for, seeking assistance and

intervention from local emergency services or law enforcement when a violent incident occurs. Workers need to be able to access emergency services and law enforcement without any interference from their employer or supervisor. Although it often occurs, no worker should be discouraged or retaliated against for seeking assistance from professionals. **This could simply be language that states employees have the right to obtain assistance without fear of reprisal or interference.**

- Need to add to (8): Assessment procedures to identify and evaluate environmental risk factors, including community-based risk factors. Many workers work off-site or work in areas where taking environmental and community-based risk factors into consideration when developing a plan could mean the difference between being a victim of violence or not. Also, any grounds that belong to the employer, transportation or housing provided by the employer, or are considered part of where a worker might routinely go during the work day.
 - Procedures to identify and evaluate environmental risk factors for workplace violence, including areas surrounding the facility such as employee parking areas and other outdoor areas and off-site work areas. Environmental risk factors shall include, as applicable, but shall not necessarily be limited to, the following:
 1. Employees working in locations isolated from other employees, because of being assigned to work alone or in remote locations, during night or early morning hours, or where an assailant could prevent entry into the work area by responders or other employees. These instances put an employee at particular risk and are another reason why access to alarms, other alert systems, and law enforcement are necessary.
 2. Poor illumination or blocked visibility of areas where possible assailants may be present.
 3. Adequate alarm systems or effective means to alert responders to an emergency, entryways where unauthorized entrance may occur, or storage of high-value items, currency or pharmaceuticals. **Again, these areas are not only at higher risk for violence but are where workplace violence is more common and addressing them would prevent much of it.**
- Need to add to (9) Timelines for correcting hazards: The employer shall take measures to protect employees from imminent hazards

immediately and shall take measures to protect employees from identified serious hazards within seven days of the discovery of the hazard, where there is a realistic possibility that death or serious physical harm could result from the hazard. When an identified corrective measure cannot be implemented within this timeframe, the employer shall take interim measures to abate the imminent or serious nature of the hazard while completing the permanent control measures. **Having a timeline for correcting and addressing hazards and incidents of violence will help prevent them but more importantly will hold the employer accountable for addressing them. Having effective procedures in place for before, during and after an incident will assist in mitigating further injuries, future incidents and eliminating hazards.**

SEIU California represents over 700,000 members who are committed to ensuring the safety of all workers. The comments outlined above will help develop a comprehensive regulation that will protect workers across industries from workplace violence. Thank you for your consideration.

Sincerely,

Katherine Hughes, RN, Executive Director SEIU Nurse Alliance of California

Navnit Bhandal, Legislative Analyst SEIU California

For questions or comments please contact:

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